COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: October 4, 2010

OFFICE CORRESPONDENCE FILE NO. SH2242537

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
[redacted]#[redacted]
[redacted]#[redacted]
SERGEANT JOSHUA BARDON #[redacted]
FRED ELLROTT #[redacted]
EDWARD MARTINEZ #[redacted]
ERIC SORENSEN #[redacted]
GREGORY BOLING #[redacted]
NOAH CORRALES #[redacted]
ANTONIO GARCIA #[redacted]
CENTURY STATION

[redacted] and [redacted] Unit [redacted] were working overtime Century Station in an unmarked Sheriff's detective unit. While stopped at a red light on eastbound Imperial Highway at California Avenue, they saw a gray Nissan Maxima drive off of the curb in front of the "Circle K" parking lot. The vehicle was "blacked out" (no headlights) and was traveling at a high rate of speed. The vehicle continued onto Imperial Highway and then drove north on California Avenue.

[redacted] and [redacted] activated their emergency red light in an attempt to stop the fleeing vehicle. The driver of the Maxima did not stop the vehicle and increased his speed. [redacted] initially put out emergent radio traffic that he was in pursuit of a possible reckless drunk driver. [redacted] updated his radio traffic to pursuit of a possible 211 vehicle and asked for an assisting unit to check the Circle K to see if it had been robbed. The driver of the Maxima reached speeds over 50 mph on residential streets and did not stop at several stop signs.

The suspect vehicle crashed into a parked car at Santa Fe Avenue and Norton Avenue. The impact of the collision caused the parked vehicle to be pushed onto the adjoining sidewalk. As responding units arrived, [redacted] gave commands to the suspect to exit the vehicle with his hands up. [redacted] saw the suspect move around inside the vehicle, but he ignored commands to exit the vehicle.

The vehicle's brake lights illuminated, followed by the reverse lights. The suspect revved his vehicle's engine and backed his vehicle into the pursuing unmarked unit, which had stopped directly behind it. When the suspect's vehicle collided with the unmarked unit, it pushed the radio car backwards. The collision caused injury to two (2) deputies and one (1) sergeant, all of which were using the unmarked vehicle as cover.

The suspect's vehicle lunged forward after the collision. The suspect again backed his vehicle and angled it toward the unmarked vehicle. Several deputies fired at the suspect to prevent him from running over or injuring other deputies. After the deputies fired their weapons at the suspect, his vehicle stopped moving. The deputies formed an arrest team and approached the suspect's vehicle. Due to the damage to the suspect's vehicle, the deputies were unable to open the driver's side door to remove the suspect from the vehicle.

LA County Paramedics removed the suspect from his vehicle and treated him for multiple gunshot wounds. The suspect was transported to Saint Francis Medical Center in Lynwood via ambulance where he was pronounced dead.

On September 23, 2010 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by [redacted] and [redacted] #[redacted] Sergeant Joshua Bardon #[redacted] and Deputies Fred Ellrott #[redacted] Edward Martinez #[redacted] Eric Sorensen #[redacted] Gregory Boling #[redacted] Noah Corrales #[redacted], and Antonio Garcia #[redacted] was reasonable and necessary and in compliance with Department policy.

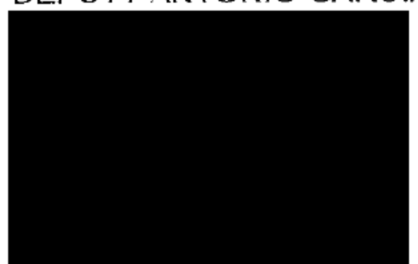
MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp

Table of Contents

IAB# SH2242537



[redacted]

[redacted]

MISCELLANEOUS DOCUMENTS

- Administrative Rights Form(s)
- Century Station's PM In-Service Form for 04/26/2009
- Copies of TSD factual diagrams depicting each shooter's location during incident

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 04/26/2009	Bureau/Station/Facility: Century Station	Admin. Invest.? [ ] Hit? [X]

Incident Information

URN: 009-08312-2111-013	Date: 04/26/2009 Time: 2040 hrs.
City or Station: Lynwood	Nature of Incident: The suspect was shot while he intentionally rammed into a police vehicle at the termination of a vehicle pursuit. The suspect was pronounced dead at Saint Francis Medical Center on April 27, 2009.
Location: Sante Fe Avenue and Norton Avenue	

Location Type (circle one or more):	Lighting (circle only one):	Incident Type (circle one or more):	Initiated by (circle only one):
Backyard Beach Business Freeway Industrial Park Parking Lot Residence Rural School **Street** Other:	**Darkness** Daylight Other **Street Lights** Weather (circle only one): **Clear** Cloudy Fog Rain Distance:	Accidental Armed Person Fleeing Suspect Foot Pursuit Gun Take Away Moving Vehicle Sniper/Ambush Startle Struggle Involved **Traffic Stop** Unarmed Person Unintentional **Vehicle Pursuit** Warrant Service Warning Shot Other:	Arrest Warrant Call **Observation** One Person Unit Other Search Warrant **Two Person Unit** Prior Activity (circle only one): Detective Inmate Transport Other **Routine Patrol**
Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect		Aero Unit? [ ] Canine Unit? [ ]

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one):	ShiftType (circle only one):
[redacted]	Bonilla	Edgar	NMN	EM **PM** Day	**Regular** Overtime Off Duty
[redacted]	Campbell	Greggory	M.	EM **PM** Day	**Regular** Overtime Off Duty
[redacted]	Edwards	Darell	A.	EM **PM** Day	**Regular** Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(circle one or more):
[redacted]	Ewing	Troy	W.	On Duty; **Present during shooting**; **Witness to shooting**; Involved in shooting
[redacted]	[redacted]	[redacted]	[redacted]	On Duty; **Present during shooting**; **Witness to shooting**; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.

PSTD Use Only
SH #

Officer Involved Shooting

URN: 009-08312-2111-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04/26/2009	2330	08/27/2010	

Employee #	Last Name	First Name	M.I.
[redacted]	Garcia	Benjamin	L.
[redacted]	Flores	David	NMN
[redacted]	Ault	Alicia	E.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	GS	CH
E#2	S#1	FH	HK	45	Y	Y	GS	CH
E#3	S#1	FH	BR	9	Y	Y	GS	CH
E#4	S#1	FS	IT	12	Y	Y	GS	CH
E#5	S#1	FH	BR	9	Y	Y	GS	CH
E#6	S#1	FH	HK	45	Y	Y	GS	CH
E#7	S#1	FH	BR	9	Y	Y	GS	CH
E#8	S#1	FH	BR	9	Y	Y	GS	CH
E#9	S#1	FH	HK	45	Y	Y	GS	CH

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 009-08312-2111-013

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: M Race: Hispanic	Rank: Deputy Sheriff	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): EM [redacted] Day	ShiftType (*circle only one*): [redacted] Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8-10	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest / (Raid Jacket w/ Vest) / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 5-11 Weight: 205		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date:	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] / Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber 9mm # Shots 12	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: M Race: Hispanic	Rank: Deputy Sheriff	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): EM [redacted] Day	ShiftType (*circle only one*): [redacted] Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest / (Raid Jacket w/ Vest) / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 5-10 Weight: 170		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] / Directed Force: [redacted]
Weapons Fired Brand: HK USP	Caliber .45 # Shots 6	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 3

Employee # [redacted]	Last Name BARDON	First Name JOSHUA	M.I. A.
Sex: M Race: White	Rank: Sergeant	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 212S
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 7	Duty Time (hrs): 1300-2100	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)	Other Factors:
Age: [redacted]	Height: 6-00 Weight: 190		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] / Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber 9 mm # Shots 7	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

Officer Involved Shooting
Involved Employee Information

URN: 009-08312-2111-013

Involved Employee

E 4

Employee #: [redacted] | Last Name: ELLROTT JR. | First Name: FRED | M.I.: J.

Sex: M | Race: W | Rank: Deputy Sheriff | Unit Assignment: Century Station | Work Assignment (Unit #, Module, etc.): 212R

ShiftTime (*circle only one*): EM (PM) Day | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☒

Hrs of sleep prior to shooting: 8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) | Other Factors:

Age: [redacted] | Height: 5-10 | Weight: 200

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] | Directed Force: [redacted]

Weapons Fired Brand: Ithaca | Caliber: 12 ga | # Shots: 2 | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp #: [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.:

Field Training Officer Emp #: | Last Name: | First Name: | M.I.:

E 5

Employee #: [redacted] | Last Name: MARTINEZ | First Name: EDWARD | M.I.: V.

Sex: M | Race: H | Rank: Deputy Sheriff | Unit Assignment: Century Station | Work Assignment (Unit #, Module, etc.): 212N4

ShiftTime (*circle only one*): EM (PM) Day | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☒

Hrs of sleep prior to shooting: 8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) | Other Factors:

Age: [redacted] | Height: 6-05 | Weight: 275

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] | Directed Force: [redacted]

Weapons Fired Brand: Beretta | Caliber: 9mm | # Shots: 13 | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp #: [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.: [redacted]

Field Training Officer Emp #: [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.: [redacted]

E 6

Employee #: [redacted] | Last Name: SORENSEN | First Name: ERIC | M.I.: W.

Sex: M | Race: W | Rank: Deputy Sheriff | Unit Assignment: Century Station | Work Assignment (Unit #, Module, etc.): 212D1

ShiftTime (*circle only one*): EM (PM) Day | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☒

Hrs of sleep prior to shooting: 8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) | Other Factors:

Age: [redacted] | Height: 6-05 | Weight: 250

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: | Directed Force: [redacted]

Weapons Fired Brand: Heckler and Koch | Caliber: .45 | # Shots: 1 | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp #: [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.:

Field Training Officer Emp #: | Last Name: | First Name: | M.I.:

Officer Involved Shooting
Involved Employee Information

URN: 009-08312-2111-013

Involved Employee

E 7

Employee # [redacted]	Last Name: BOLING	First Name: GREGORY	M.I. P.
Sex: M Race: W	Rank: Deputy Sheriff	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 212N1
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): Regular **Overtime** Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: Interviewed? [X]
Hrs of sleep prior to shooting: 6	Duty Time (hrs): 1600-2400	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 5-09	Weight: 170		
Range Qualification Date: [redacted]	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [ ]	Number of Prior Shootings: Directed Force: [ ]
Weapons Fired Brand: Beretta	Caliber: 9mm # Shots: 6	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.
Field Training Officer Emp #	Last Name:	First Name:	M.I.

E 8

Employee # [redacted]	Last Name: CORRALES	First Name: NOAH	M.I. NMN
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 212N6
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): Regular **Overtime** Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: Interviewed? [X]
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 6-01	Weight: 195		
Range Qualification Date: [redacted]	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [X]	Number of Prior Shootings: 1 Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm # Shots: 9	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name:	First Name:	M.I.

E 9

Employee # [redacted]	Last Name: GARCIA	First Name: ANTONIO	M.I. NMN
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 212D
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: Interviewed? [X]
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 5-09	Weight: 220		
Range Qualification Date: [redacted]	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [X]	Number of Prior Shootings: 1 Directed Force: [redacted]
Weapons Fired Brand: Heckler and Koch	Caliber: .45 # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I. [redacted]

Officer Involved Shooting
Suspect Information

URN: 009-08312-2111-013

Suspect Information

S 1

Last Name: MONTALVO		First Name: ALFREDO	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 29 D.O.B. 12/12/1979	Height: 5-11 Weight: 170	FBI # [redacted]	CII # [redacted]
Booking # N/A	Primary Charge:	Secondary Charge:	
Coroner Case? [X]	Coroner Case # 2009-02968	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [redacted]
Vehicle Make: Nissan		Model: Maxima	Year: 1996

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
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S__

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Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]			

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Ewing #[redacted]	Troy	W.	Century Station - Sergeant		323/568-4800	
[redacted]	[redacted]	W.	Century Station - Sergeant		323/568-4800	
Galbraith #[redacted]	Robert	J.	Century Station - Deputy		323/568-4800	
Gonzalez #[redacted]	Alexandro	NMN	Century Station - Deputy		323/568-4800	
[redacted]	[redacted]		Century Station - Volunteer		323/568-4800	



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

December 23, 2009

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J. S. I. D. File No. 09-0260
L.A.S.D. File No. # 009-08312-2111-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 26, 2009, fatal shooting of Alfredo Montalvo by Los Angeles County Sheriff's Deputies [redacted] Fred Ellrott, Eduardo Martinez, Eric Sorenson, Gregory Boling, Noah Corrales, Antonio Garcia, and Sergeant Joshua Bardon. We have concluded that Deputies [redacted] Ellrott, Martinez, Sorenson, Boling, Corrales, Garcia, and Bardon acted lawfully in self-defense and in the defense of others.

The following analysis is based upon investigative reports, property reports, analyzed evidence reports, and summaries of witness' statements taken during the investigation by the Los Angeles County Sheriff's Department (LASD), and submitted to this office by Investigators Robert Gray and Martin Rodriguez on October 19, 2009. The District Attorney Command Center was notified of the shooting at approximately 10:20 p.m. on April 26, 2009. The District Attorney Response Team, comprised of Deputy District Attorney Renee Korn and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered in our analysis.

FACTUAL ANALYSIS

On April 26, 2009, at approximately 8:40 p.m. as a part of a Cruise Task Force, Los Angeles County Sheriff [redacted] and [redacted] were on

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185

patrol in an unmarked sheriff vehicle in the City of Lynwood. While stopped at a red light at the intersection of Imperial Highway and California Avenue, Deputy [redacted] attention was drawn to a gray Nissan Maxima that drove off the curb of the Circle K liquor store parking lot without its headlights illuminated. Unbeknown to [redacted] and [redacted] the driver of the vehicle, later identified as Alfredo Montalvo, had been involved in a hit and run collision with [redacted] who was stopped at the traffic light located at the same intersection.

Montalvo drove across all lanes of traffic on Imperial Highway and continued north onto California Avenue. [redacted] and [redacted] proceeded to follow the vehicle, and observed Montalvo fail to stop for the stop sign located at the intersection of California and Norton Avenues. They activated the overhead lights and siren in order to conduct a traffic stop. Instead of yielding, Montalvo accelerated initiating a high-speed pursuit.

[redacted] and [redacted] pursued Montalvo on several residential streets traveling in excess of 50 miles per hour. Montalvo blatantly ignored traffic laws by failing to stop for several stoplights, stop signs, and nearly striking other motorists as well as a marked sheriff's vehicle. Several other deputies assisted by either joining or paralleling the pursuit. Montalvo traveling at speeds in excess of 60 miles per hour was pulling away from [redacted] and [redacted] near State Street and Norton Avenue. Due to the amount of traffic, [redacted] slowed his patrol vehicle, giving Montalvo a 200 to 300 yard lead and ultimately lost sight of his vehicle.

When [redacted] and [redacted] arrived at the intersection of Santa Fe and Norton Avenues, they observed that Montalvo had lost control of his vehicle and collided with an unoccupied 1997 Ford Taurus parked at [redacted] Montalvo hit the vehicle with such force that he pushed it onto the sidewalk.

[redacted] stopped the patrol car approximately ten feet behind Montalvo's vehicle. [redacted] and [redacted] observed that Montalvo was the sole occupant of the vehicle, that the airbag had deployed, and he was leaning to the right appearing to reach for something. [redacted] and [redacted] repeatedly ordered Montalvo to drop the keys out of the window, put his hands up, and exit the vehicle. Montalvo failed to comply with the commands.

Suddenly, Montalvo put his vehicle in reverse and rammed the unmarked sheriff vehicle. In an attempt to escape, Montalvo drove forward, put the car in reverse, and crashed into the unmarked sheriff vehicle again, injuring several deputies. In fear for their lives and the lives of others, [redacted] and [redacted] fired their service weapons at Montalvo.

When Sergeant Joshua Bardon arrived on scene, he observed [redacted] unmarked vehicle positioned behind Montalvo's vehicle. While Sergeant Bardon was standing at the rear passenger side of the unmarked radio car, he felt pain to his left foot and noticed that the unmarked radio car had been pushed so far back that the rear passenger side tire rolled atop his left foot, causing it to be pinned under the tire. Sergeant Bardon was unable to move but could see that Montalvo was still attempting to maneuver his vehicle. Fearing



for his safety and the safety of others, Barden fired his service weapon while his foot was immobilized under the tire. Prior to backing up a second time, Montalvo moved his vehicle forward, enabling Bardon to remove his foot from under the tire.

Deputies Noah Corrales and Gregory Boling were patrolling the area of Long Beach Boulevard as a part of the Lynwood City Cruising detail when they heard a broadcast of a pursuit in progress. Corrales, the driver that night joined the pursuit on Norton Avenue. Prior to Corrales and Boling arriving at the intersection of Santa Fe and Norton Avenues, Montalvo had crashed his car. Corrales positioned his vehicle east of [redacted] As Corrales and Boling exited the vehicle, they could hear other deputies ordering Montalvo, "Show your hands," "Drop the keys," but Montalvo was not complying. Less than a minute later, Montalvo put his car in reverse and accelerated backwards crashing into the unmarked patrol vehicle. Corrales noticed that Sergeant Bardon's foot had become pinned under the unmarked vehicle and was unable to move. Fearing for his life and the lives of other deputies, Corrales fired his service weapon. After firing an initial volley, Corrales observed Montalvo was continuing to drive in reverse and turning his steering wheel in an attempt to maneuver away from the vehicle and towards other deputies. Fearing for his life and the lives of other deputies, Corrales fired his weapon again. Boling also saw Montalvo was driving towards himself and other deputies in reverse. Fearing for his life and the lives of other deputies, he fired his service weapon.

Deputies Edward Martinez and Edgar Bonilla were working routine patrol in the area of Long Beach Boulevard and Norton Avenue when they heard a broadcast concerning a reckless drunk driver. Shortly thereafter, Montalvo drove past Martinez's location with an unmarked sheriff's vehicle driven by [redacted] in pursuit. Martinez followed them negotiating several turns on different streets and traveling in various directions. Martinez and Bonilla lost sight of Montalvo's vehicle and heard a radio broadcast that Montalvo had crashed. Upon Martinez's arrival at the collision site, he observed Montalvo looking back and forth at deputies while moving in the driver's seat and reaching under it. Martinez heard deputies ordering Montalvo, "Raise your hands, throw the keys out the window," along with similar commands. Martinez also shouted similar orders to Montalvo, all of which he failed to heed. About a minute after arriving, Martinez saw the back-up lights of Montalvo's vehicle come on and rapidly accelerate backwards slamming into [redacted] vehicle. After the collision, Martinez heard an unknown deputy cry out in great pain. Montalvo pulled forward, stopped, and started to drive in reverse again. In fear for his life and the lives of other deputies, Martinez fired his service weapon. Simultaneously, Martinez heard other deputies discharge their weapons.

Deputy Antonio Garcia was patrolling in a marked black and white patrol vehicle in the area of Martin Luther King (MLK) Boulevard when he heard the radio broadcast of a pursuit in progress. Garcia paralleled the chase on MLK Boulevard and Santa Fe Avenue. A short time later, Garcia heard that Montalvo had crashed and Garcia drove to the location. Upon his arrival, he observed Montalvo's vehicle but could not see Montalvo and heard several deputies shouting commands. Initially, Garcia was unable to see Montalvo, then suddenly Montalvo appeared behind the driver's wheel when Garcia

saw Montalvo's vehicle lurch into reverse. Simultaneously, as Montalvo drove his vehicle in reverse, Garcia heard another deputy cry out in pain and fall to the ground. Montalvo drove forward. Garcia saw Montalvo turning the steering wheel in preparation to back-up again. Fearing for his life and the lives of fellow deputies, Garcia fired his service weapon.

Deputy Fred Ellrott was assigned to a single man patrol unit working the Lynwood Anti-Cruising Task Force. While patrolling the area of Long Beach Boulevard and Imperial Highway, Ellrott heard a radio broadcast of a pursuit in progress. Near the intersection of Long Beach Boulevard and Norton Avenue, Ellrott saw a sheriff's unit pass by with emergency lights activated. Ellrott learned that Montalvo had crashed and responded to that location. Ellrott exited his vehicle with shotgun in hand and focused his attention on Montalvo. Ellrott observed Montalvo moving about in his vehicle despite the numerous commands to exit the vehicle with his hands in view. Montalvo looked over his shoulder and suddenly accelerated backwards, colliding with the patrol vehicle behind him. Ellrott saw a deputy fall and yell out sounding injured. Montalvo moved forward and almost immediately accelerated in reverse again. Fearing for the life of the fallen deputy, Ellrott fired his department issued shotgun.

Deputy Eric Sorensen was assigned to a marked single man unit, but was accompanied by a [redacted] While patrolling near Long Beach Boulevard, Sorensen heard a radio broadcast about the pursuit. Subsequently, Sorensen heard that Montalvo had crashed. Sorensen drove to the location of the collision and ordered [redacted] to take cover. Sorensen heard several deputies giving verbal commands to Montalvo, who was non-compliant. Approximately one minute after Sorensen's arrival at the scene, Montalvo put his vehicle in reverse and accelerated into an unmarked Sheriff's vehicle pushing it backwards. Simultaneously, upon hearing "the sound of rapid exhalation of air from someone's lung, as if a sharp blow had been struck," Sorensen realized an unknown deputy had been run over when Montalvo drove his car in reverse. Sorensen saw Montalvo pull his vehicle forward, stop, and begin to reverse towards the Sheriff's vehicle again. Fearing for the life of the downed deputy, Sorensen fired his service weapon. Sorensen also heard several other deputies fire their weapons.

When Montalvo rammed the patrol car, the driver's side door struck Deputy [redacted] left leg and knee causing him to fall to the ground. [redacted] suffered a hyper-extended knee and injuries to his left leg. Sergeant Bardon's left foot was pinned by the tire causing swelling and pain, but no broken bones. Deputy Galbraith's left elbow was pinned between the patrol car's passenger door and frame, causing him to fall to the ground suffering injuries to his left arm and shoulder. They were transported to Harbor General Hospital for further medical treatment

After being treated by paramedics, Montalvo was transported to Saint Francis Hospital Medical Center where he received further medical treatment from Doctor Anderson and was subsequently pronounced dead at 6:51 p.m. by Doctor Pryor.



In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Criminal Jury Instructions 3470.*

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. (*People v. Collins* (1961) 189 Cal. App.3d 575).

CONCLUSION

The evidence examined in this investigation shows that Alfredo Montalvo was leaving the scene of a hit and run collision in violation of Vehicle Code section 20001. While fleeing, he drove recklessly, committed numerous traffic violations, and engaged deputies in a dangerous high-speed pursuit in a residential neighborhood. The pursuit finally terminated when Montalvo collided with a parked vehicle. [redacted] and [redacted] along with other deputies on scene repeatedly ordered Montalvo to put his hands up and exit his vehicle. Montalvo refused to surrender and attempted to evade capture by using his vehicle as a weapon to achieve his escape. Montalvo reversed his vehicle and rammed it into [redacted] and [redacted] patrol vehicle, which was blocking his escape route. In doing so, Montalvo injured Deputies [redacted] Galbraith, and Sergeant Bardon. Fearing for their lives and the lives of others, Deputies [redacted] Ellrott, Martinez, Sorenson, Boling, Corrales, Garcia, and Sergeant Bardon, fired their weapons. However, this did not terminate the incident. Montalvo smashed his vehicle into the patrol vehicle a second time. Deputies fired additional shots ultimately ending a potentially lethal situation.

Given the appearance of a rapidly evolving, life-threatening situation that confronted Deputies [redacted] Ellrott, Martinez, Sorenson, Boling, Corrales, Garcia, and Bardon, we conclude they acted lawfully in self-defense and in the defense of others. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

CORENE S. LOCKE-NOBLE
Deputy District Attorney
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c: Deputy [redacted]
Deputy Fred Ellrott #[redacted]
Deputy Eduardo Martinez #[redacted]
Deputy Eric Sorenson #[redacted]
Deputy Gregory Boling #[redacted]
Deputy Noah Corrales #[redacted]
Deputy Antonio Garcia #[redacted]
Sergeant Joshua Bardon #[redacted]